## IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF SOUTH CAROLINA ANDERSON/GREENWOOD DIVISION

Sheila Spear,	) Civil Action No.: 8:09-2357-RBH-BHH
Plaintiff,	
VS.	) REPORT AND RECOMMENDATION ) OF MAGISTRATE JUDGE
UNUM Life Insurance Company of America,	) )
Defendant.	)

The plaintiff is proceeding in this action *pro se*. On December 16, 2009, plaintiff's counsel filed a renewed motion to withdraw as attorney, which was referred to the undersigned on May 6, 2010. On May 26, 2010, a motion hearing was held and, after oral arguments, the motion to withdraw was granted. As plaintiff herself did not make an appearance at the hearing, an Order was issued giving the plaintiff 20 days to obtain new counsel or to expressly indicate to the Court that she intended to proceed *pro se*. The plaintiff was cautioned that inaction on her part would be interpreted as an indication that she no longer wishes to pursue her claims and that the case would be dismissed. The plaintiff did not respond.

Out of an abundance of caution, a second order was issued once again giving the plaintiff additional time to obtain counsel or to expressly indicate to the Court that she intended to proceed *pro se*, and that the Court would interpret inaction on her part as an indication that she no longer wishes to pursue her claims and that the case would be dismissed *without prejudice*. Once again, the plaintiff did not respond.

Based on the foregoing, it appears the plaintiff no longer wishes to pursue this action. Accordingly, it is recommended that this action be dismissed *without prejudice* for lack of prosecution and for failure to comply with this Court's orders, pursuant to Rule 41(b)

of the Federal Rules of Civil Procedure and the factors outlined in Chandler Leasing Corp.	
v. Lopez, 669 F.2d 919, 920 (4th Cir.1982). See Ballard v. Carlson, 882 F.2d 93 (4th Cir.	
1989).	
s/Bruce H. Hendricks United States Magistrate Judge	
July 13, 2010	
Greenville, South Carolina	
The petitioner's attention is directed to the important notice on the next page.	